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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,114	03/14/2001	Kenji Yamanishi	Q63084	1503

7590

03/05/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/05/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant N .

09/805,114

Applicant(s)

YAMANISHI ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered December 23, 2003 for the patent application 09/805,114 filed on March 14, 2001.
2. The First Office Action of September 25, 2003 is fully incorporated into this Final Office Action by reference.
3. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Response to Arguments

4. Applicant's arguments filed on December 23, 2003 related to Claims 1-13 have been fully considered but are not persuasive.

In reference to Applicant's argument:

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Applicant submits that Segawa reference is not prior art against this application as its filing date of November 21, 2001 is after the application's priority date of March 15, 2000 (JP Patent Application No. 2000-071657). Accompanying this Amendment is a verified English translation of Applicant's priority documents, thereby perfecting a claim to priority under 35 U. S. C. 119 (a)-(d).

Examiner's response:

Applicant is invited to review the "Related U.S. Application Data" related to U.S. Pub 2002/0032037, Segawa, which sets Segawa's priority date at June 2, 1999 based on a continuation of application No. PCT/JP99/02956. Further, as referenced in the First Office Action on page, 3, Claims 1-6 and 13 were rejected under 35 U.S.C. 102(e). From the MPEP at APP L Statute, page 102, 35 U.S.C. Conditions for Patentability; novelty and loss of right to patent, [A] person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

It is on the basis of this statute that Segawa's priority date of June 2, 1999 has been established which is consequently prior art to the March 15, 2000 JP Patent Application No. 2000-071657.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Segawa (U. S. Publication 2002/0032037, referred to as **Segawa**).

Claim 1

Segawa anticipates means for inputting a questionnaire statement including free reply description in natural language (**Segawa**, para 12); a network for transmitting a questionnaire reply statement (**Segawa**, Fig. 1), a database for accumulating said questionnaire reply statements transmitted through said network (**Segawa**, Fig. 11); and a text classification engine for reading out said questionnaire reply statements from said database and for learning a rule for classifying said questionnaire reply statement (**Segawa**, paras 36 and 37).

Claim 2

Segawa anticipates means for inputting a questionnaire statement including free reply description in natural language (**Segawa**, para 12); a database for accumulating said questionnaire reply statement (**Segawa**, Fig. 11); and a text classification engine for reading out said questionnaire reply statement from said database and for learning a rule for classifying said questionnaire reply statement (**Segawa**, paras 36 and 37).

Claim 3

Segawa anticipates means for inputting a questionnaire statement including free

reply description in natural language (**Segawa**, para 12); a network for transmitting said questionnaire reply statement (**Segawa**, Fig. 1); a database for accumulating said questionnaire reply statement transmitted through said network (**Segawa**, Fig. 11); a text classification engine for reading out said questionnaire reply statement from said database and for learning a rule for classifying said questionnaire reply statement (**Segawa**, paras 36 and 37); and means for distributing said rule through said network according to a request from a claimant (**Segawa**, para 36).

Claims 4, 5, 6

Segawa anticipates morpheme analysis means for analyzing morphemes in all sentences in said questionnaire reply statement accumulated in said database (**Segawa**, para 37); category-text designating means for designating said category and text (**Segawa**, paras 36 and 37; EN, keywords identify category associated with text); attribute selecting means for selecting attributes in plural questionnaire reply statements being read out from said database (**Segawa**, paras 36 and 37; EN, orientation and needs are attributes); rule learning means for learning said rule for expressing said correspondence of text and category on the basis of said words selected by attributes by said attribute selecting means (**Segawa**, paras 36 and 37); and rule output means for issuing said rule learned by said rule learning means (**Segawa**, para 36; EN, means for sending information to the user is the rule output means).

Claim 13

Segawa anticipates a morpheme analysis procedure for analyzing morphemes in

all sentences in said questionnaire reply statements accumulated in a database (**Segawa**, para 37); a category-text designating procedure for designating said category and text in said text classification engine (**Segawa**, paras 36 and 37; EN, keywords identify category associated with text); an attribute selecting procedure for selecting attributes in plural questionnaire reply statements being read out from said database (**Segawa**, paras 36 and 37; EN, orientation and needs are attributes); a rule learning means for learning said rule for expressing said correspondence of text and category on said basis of said words selected by attributes by said attribute selecting procedure (**Segawa**, paras 36 and 37); and a rule output procedure for issuing said rule learned by said rule learning procedure (**Segawa**, para 36; EN, means for sending information to the user is the rule output means).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Claims 7-12 are objected to. Claims 1-6 and 13 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

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(703) 746-7290 (for informal or draft communications with notation of
"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II
2121 Crystal Drive,
Arlington, Virginia.


Joseph P. Hirl

March 4, 2004


RAMESH PATEL
PRIMARY EXAMINER 3/5/04
For Anil Khatri